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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/789,695 | 02/27/2004 | Barret Lippicy | 02103-603001 / AABOSS32-C | 9312 |
| 26162 | 7590 | 02/09/2007 | EXAMINER | |
| FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | MAHONEY, CHRISTOPHER E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2851 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE | | |
| 3 MONTHS | 02/09/2007 | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/789,695 | LIPPEY ET AL. | |
| | Examiner | Art Unit | |
| | Christopher E. Mahoney | 2851 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 November 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3-11,45-49,63-71 and 73-75 is/are pending in the application.
- 4a) Of the above claim(s) 63-71 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I claims 3-11, 45-49, and 73-785 in the reply filed on November 20, 2006 is acknowledged.

Claims 63-71 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on November 20, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-4, 6-8, 10, and 73-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Deter (U.S. Pat. No. 6,428,169). Deter teaches an optical device comprising a first reflective layer 7, a second reflective layer 11, *substantially* continuous layers of dielectric material 14, each layer consisting of alternating high and low indices of refraction so that the optical output of the device includes substantially more light in wavelengths in a plurality of narrow wavelength bands (figs. 3) than light not in the plurality of wavelength bands. Regarding claim 6, Deter

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could also be interpreted where the 11 is the first reflective layer and 7 is the second reflective layer. The applicant is directed to further review col. 3, lines 50-60 and col. 8, lines 20-24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 9, 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deter (U.S. Pat. No. 6,428,169) in view of Yamada (U.S. Pat. No. 5,148,309). Deter teaches the salient features of the claimed invention except for an aluminum reflective layer and polarization. Yamada teaches in col. 4, line 33 that aluminum is known as the reflection material in reflective projection screens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the aluminum taught by Yamada for the purpose of utilizing readily available materials. The applicant should note that it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Yamada teaches in the abstract that it was known to utilize a polarizing layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Yamada for the purpose of expansive diffusion without deterioration of effective function.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deter (U.S. Pat. No. 6,428,169) in view of Portner (U.S. Pat. No. 3,942,869). Deter teaches the salient features of

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the claimed invention except for the size greater than 7 inches. Portner teaches in col. 1, line 45 that it was known to provide a screen greater than 7 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Portner for the purpose of large panoramic viewing.

Response to Arguments.

Applicant's arguments filed July 13, 2006 have been fully considered but they are not persuasive.

The applicant argues that Deter does not disclose layer 11 as reflecting light. The examiner respectfully disagrees. Col. 8, lines 20-24 clearly recite that "This optical filter 11 is designed in such a way that the blocked *light components are reflected* in a predominantly uniform manner." [emphasis added] Thus layer 11 is a reflecting layer.

Conclusion

This action is non-final since the examiner did not expressly reject claim 6 in over Deter in the previous rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher E Mahoney
Primary Examiner
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